

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**NETWORKS USA XVIII, INC.,**

**Plaintiff,**

**vs.**

**DENNY’S INC.,**

**Defendant.**

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**Case No. 4:04cv1760 SNL**

**ORDER**

Plaintiff, a Florida corporation, brought suit against Defendant, a California corporation to resolve a property dispute. Plaintiff filed suit in the St. Louis County Circuit Court, and Defendant subsequently removed the action to federal court. This is before the Court on Defendant’s Motion to Compel Deposition of Plaintiff’s Corporate Representative in Missouri (#29), filed May 17, 2006. Responsive pleadings have not been filed.

Plaintiff’s designated corporate representative is located in Florida and refuses to appear for a deposition at the situs of the litigation. Defendant argues that Plaintiff attempting to force Defendant to pay for the right to be sued. If civil defendants wish to be represented by counsel, it is common practice to “pay for the right to be sued.” However, as Plaintiff chose the forum, it is proper for its corporate representative to make himself or herself available for deposition in that forum on or before June 15, 2006. *See e.g. Yaskawa Elec. Corp. v. Kollmorgen Corp.*, 201 F.R.D. 443, 444 (N.D. Ill. 2001) (“[i]n the absence of compelling circumstances or extreme hardship, a plaintiff should appear for a deposition in the forum of his choice -- even if he is a nonresident”).

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Compel Deposition of Plaintiff's Corporate Representative in Missouri (#29) be and is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's corporate representative shall make himself or herself available for deposition in St. Louis, Missouri, on or before June 15, 2006.

Dated this 30th day of May, 2006.

  
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SENIOR UNITED STATES DISTRICT JUDGE